

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ROBERT BLAKE,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-01427  
2:12-cv-01446  
2:12-cv-01513

JIM RUBENSTEIN, et al.

Defendants.

**MEMORANDUM OPINION AND ORDER**

On May 4, May 8, and May 14, 2012, Plaintiff Robert Blake, then an inmate at the Mount Olive Correctional Complex ("MOCC"), filed substantially identical Complaints against the same four defendants alleging that he is being unfairly denied the opportunity to participate in the Quality of Life program offered at the MOCC. This Court referred these civil actions to United States Magistrate Judge Mary E. Stanley for submission of proposed findings of fact and a recommendation for disposition ("PF&R"). On March 21, 2013, Magistrate Judge Stanley issued a PF&R recommending that the Court consolidate these three civil actions and dismiss Plaintiff's Complaints for failure to state a claim upon which relief may be granted.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this


Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the March 21, 2013 PF&R in these cases were due on April 8, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, **CONSOLIDATES** these civil actions [Case Nos. 2:12-cv-01427, 2:12-cv-01446, and 2:12-cv-01513], **DISMISSES** Plaintiff's Complaints, and **DIRECTS** the Clerk to remove these actions from the Court's active docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to all counsel of record and any unrepresented party.

ENTER: May 28, 2013

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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE